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COLLEGE RELATIONS COMMISSION

Annual Report

1990-1991

College
Relations
Commission

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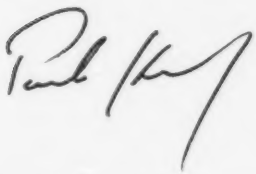
The Members of the Legislative Assembly
Province of Ontario

Dear Members,

I have the honour to present the sixteenth Annual Report of the College Relations Commission, covering the period from September 1, 1990 to August 31, 1991.



Paula Knopf
Chair
College Relations Commission

August 31, 1991

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I THE COMMISSION

Members

The College Relations Commission is composed of five members appointed by the Lieutenant Governor-in-Council. The terms of appointment range from one to three years, and each member of the Commission is eligible for reappointment upon the expiration of the term.

Paula Knopf was appointed chair on February 1, 1991, to replace Katherine Swinton, who had decided that her teaching and writing obligations at the University of Toronto should take priority. David Allan Hayes was appointed vice-chair on May 11, 1988. Trèva Legault Cousineau was appointed commissioner on May 11, 1988. John McNeil and John Zeiler were reappointed commissioners on March 6, 1989. (A biographical sketch of each commissioner is provided in Section IV.)

Organizational Structure

The College Relations Commission (CRC) is served by the staff, and uses the facilities, of the Education Relations Commission (ERC). It also draws upon the third-party neutrals used by the ERC.

The ERC has a permanent 17-member staff assigned to Field Services and Information Services. All appointments and major decisions and determinations are made by the CRC; however, the day-to-day operations of the CRC are managed by its chief executive officer and secretary, Robert E. Saunders. The commissions' offices are at 111 Avenue Road, Suite 400, Toronto, Ontario M5R 3J8.

Establishment

The College Relations Commission was established in 1975 under section 55 of the Colleges Collective Bargaining Act, Revised Statutes of Ontario 1980, chapter 74. This Act was adopted at the same time as the School Boards and Teachers Collective Negotiations Act, and the two statutes share a basic framework to govern the negotiations process.

Duties

The duties of the College Relations Commission are set out in subsection 56(1) of the Act.

It is the duty of the Commission:

(a) to carry out the duties imposed on it by this Act and such other functions as may, in the opinion of the Commission, be necessary to carry out the intent and purpose of this Act;

(b) to maintain an awareness of negotiations between the parties;

(c) to compile statistical information on the supply, distribution, professional activities, and salaries of employees;

(d) to provide such assistance to parties as may facilitate the making or renewing of agreements;

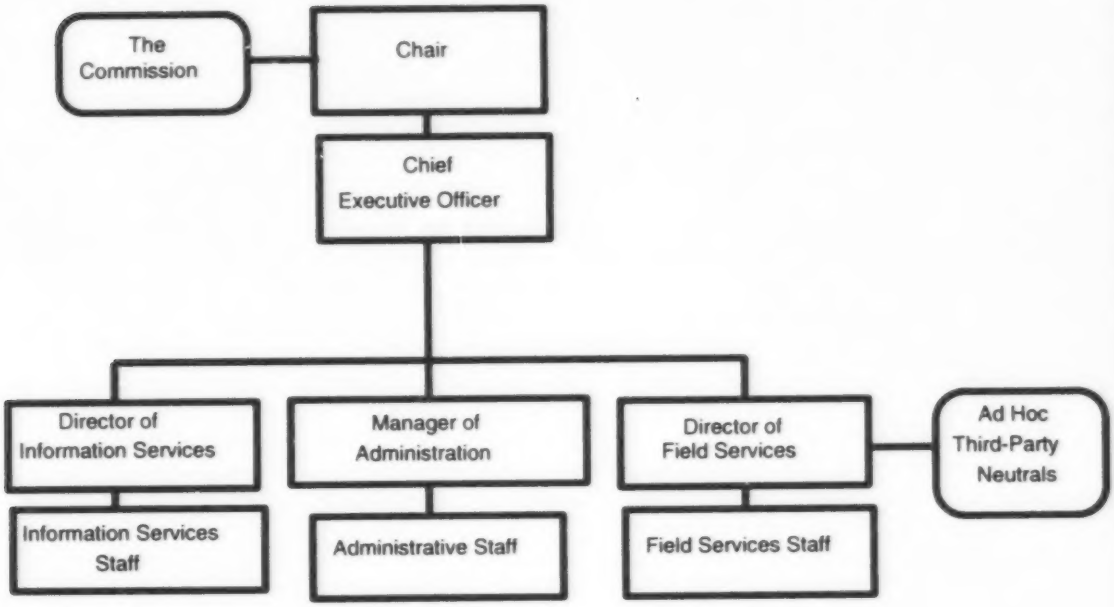
(e) to select and, where necessary, to train persons who may act as mediators, fact finders, arbitrators, or selectors;

(f) to determine, at the request of either party or in the exercise of its discretion, whether or not either of the two parties is or was negotiating in good faith and making every reasonable effort to make or renew an agreement;

(g) to determine the manner of conducting votes and to supervise votes by secret ballot pursuant to this Act; and

(h) to advise the Lieutenant Governor-in-Council when, in the opinion of the Commission, the continuance of a strike, lockout, or closing of a college or colleges will place in jeopardy the successful completion of courses of study by the students affected by the strike, lockout, or closing of the college or colleges.

ORGANIZATION CHART: The College Relations Commission



II OVERVIEW OF NEGOTIATIONS

The Negotiation Process

The mandate of the College Relations Commission to maintain an awareness of and facilitate collective negotiations between the Ontario Council of Regents for Colleges of Applied Arts and Technology, as employer, and the Ontario Public Service Employees Union (OPSEU), representing the academic and support staffs, is contained in the Colleges Collective Bargaining Act. Passed in 1975 and revised in 1980, this Act gives the academic and support staffs the right to strike and gives the Ontario Council of Regents for Colleges of Applied Arts and Technology the right to lock out. These rights, however, are regulated. For example, a strike or lockout is not legal until:

(a) a fact finder has met with the parties and his or her report has been made public; and

(b) a fifteen-day cooling-off period takes place after the fact finder's report is submitted to the parties; and

(c) the members of the employee organization have voted by secret ballot in a supervised vote on the last offer of the Council of Regents; and

(d) the members of the employee organization have voted, by secret ballot, in a supervised vote to take strike action.

At any time during the process, the parties may choose voluntary binding arbitration or final-offer selection as an alternative means of dispute resolution. The Commission monitors the negotiation process from the time an intent to negotiate is filed by the parties until a collective agreement is signed. Particular attention is paid to the timing and appropriateness of appointments of fact finders and mediators. The conduct of votes -- last offer, strike, or ratification -- has assumed major importance for the Commission. This is due not only to the number of votes that have been supervised, but also to the number of members of the employee organization and the number of campuses involved.

Because the agreements negotiated in 1989 have a two-year term, this year was a relatively quiet one in terms of Commission services to the parties.

Information Services

As noted in the 1989-1990 Annual Report, a task force with representation from both the Council of Regents and OPSEU was established to examine information needs related to bargaining in the teaching sector. Dr. William Marcotte, who has had considerable experience as a third party in colleges bargaining, was appointed the chair of the task force. The group reported to the union and the council on July 10, 1991.

The Commission decided, following the recommendations to establish an Advisory Committee on Information Services, to provide advice on the establishment of the information service. It strongly supports this direction because such a need for information has been noted so often by fact finders in past negotiations, and the Education Relations Commission's experience in the school board/teacher sector has shown the benefits of the availability of data for bargaining. The Advisory Committee met for the first time in September 1991, outside the period covered by this report, but its work and the start-up of the information service will be reported upon next year.

Funding on an annual basis was made available for expansion of the information services in the 1991-92 fiscal year.

The Report of the Task Force on Wages and Benefits of the Colleges' Academic Employees

The task force's recommendations regarding the future role of the College Relations Commission are as follows:

Section IV - Role Of The College Relations Commission

Introduction

Pursuant to s. 56 of the Colleges Collective Bargaining Act, R.S.O. 1980, c. 74, *the College Relations Commission (CRC) has, among its duties, the following:*

56.(1) It is the duty of the Commission,

(c) to compile statistical information on the supply, distribution, professional activities and salaries of employees;

(d) to provide such assistance to parties as may facilitate the making or renewing of agreements.

Under identical provisions at s. 60(1)(c) and (d) of companion legislation, the School Boards and Teachers Collective Negotiations Act, R.S.O. 1980, c. 464, *the Education Relations Commission (ERC), which performs an identical role to the CRC (but in regard to elementary and secondary level collective bargaining between school boards and teachers), has developed, over the fifteen years of its existence, a highly sophisticated research and information service for the some 200 bargaining dyads in that education sector. Currently, however, there is little, if any, research and information service available to the Colleges and Union under the Colleges Bargaining Act provisions, which has contributed to the on-going controversy over wages and benefits for the Colleges' academic staff in collective agreement negotiations.*

The current lack of service to the college community appears to stem from at least two sources. First, as previously indicated in Section I [of the report], there is only one academic (and one support staff) collective agreement at the college level. In contrast, there are some 200 collective agreements at the elementary and secondary levels. Thus, for the Colleges and the Union, there is a lack of intra-group comparison data, which data are the mainstay of information readily available to the elementary, secondary, Roman Catholic separate school teachers, and their employing school boards. Second, the CRC does not have a budgetary supply of funds for resources to establish and maintain databases for the Colleges and the Union. How this state of affairs came to be, is not of concern to this Task Force. Of concern is how the CRC can start to provide information services to the college community, since it is our belief that the CRC is the logical entity to develop and maintain the databases contemplated in the Letter of Understanding.

Recommendation No. 1

That the CRC be provided with the necessary funds to establish, develop and maintain an information service for the Colleges and Union, to be known as the College Relations Commission Information Services (CRCIS).

These funds will, in the main, be used to pay for physical resources (including, office space, storage facilities, hardware and software equipment), and the hiring of sufficient staff members to establish and maintain databases, as well as for responding to user requirements of the Information Services. Moreover, in providing funds to the CRC, it must be kept in mind that significant, initial "start up" funds will be required. (See Recommendations 2 and 3).

The need for space and equipment is self-evident. Our recommendation, that sufficient staff members be hired, is based on discussions with the current ERC Information Services (ERCIS) director and the Chief Executive Officer of the CRC, as to the job duties now performed by the ERCIS staff. Also, while there is but one academic collective agreement, it must be kept in mind that there are 23 colleges, and a full-time bargaining unit membership of approximately 8500, in a wide diversity of instructional programs and services. The data relating to the academic unit is substantively different from the data relating to elementary and secondary teachers who, while more numerous, are (for our purposes) in homogeneous instructional situations and who have instructional assignments within relatively close parameters when compared with the system of colleges and courses and services offered. Further, the job duty requirements for the CRCIS staff cover a broad spectrum (computer programming, design, and analysis; data collection; collation and coding

formats; knowledge of collective agreements, and so forth) that would be difficult to fill through the hiring of a single individual. We should add, in regard to funding the CRCIS, it is our understanding that there are currently funds available, in line with certain recommendations in the Gandz Report, *that can be used for this purpose.*

Recommendation No. 2

That the funds committed to the CRCIS be initially set for a 3-year start-up period.

There are at least four principal activities in starting-up an information service: (1) Identification of information data bank sources, including the type or sort of information available, the format in which it is kept, and its retrievability relative to the CRCIS systems; (2) Collection of data through the identification and establishment of on-going linkages between the source and CRCIS for transmittal, receipt and dissemination of data; (3) Translation, or coding, of raw data into formats compatible with CRCIS systems, and, (4) The design and development of the computer programs required by primary CRCIS users, i.e., the Colleges and the Union.

The above tasks cannot all be completed by August 31, 1991. For example, in regard to internal (to the college system) information on individual academic bargaining unit members, the Task Force members were required to design a form to capture the time of hire, starting salary, qualifications, experience recognized for salary purposes, and maximum step placement on the salary grid. Other information, such as assignment at time of hire, could not be retrieved (see Section III, Part A [of the report]).

Moreover, the data-collection form had to be developed so as to accommodate the reality that not all 23 Colleges maintain the above data in identical formats. Further, the above information on each faculty member will have to be collected and coded for data analysis, a time-consuming task, in and of itself. As well, it is obvious that information on each instructor's individual workload (data which we understand has not been jointly collected and analyzed by the parties following two studies conducted between 1982 and 1984) will also have to be collected and coded, prior to any analysis thereof (e.g. inter-college comparisons of English teachers' workloads, or such comparisons made on an intra-departmental basis, within a college). Either of the two above tasks will take months to complete, let alone ensuring that on-going linkages between the individual colleges and CRCIS are established and maintained.

Also, the status of external data sources is largely unknown. Thus, an assessment of the feasibility and advisability of gathering information concerning, for example, private-sector trainer workloads and compensation, must first be carried out prior to decision-making regarding the collection, coding and analysis of such data. Moreover, while certain external data (e.g., University faculty age-salary-career position in Ontario universities) can be retrieved from an external sources (e.g. Statscan, Hay Management Consultants) and is presently available, the pool of information from which these agencies draw their reports is not completely accessible and, in any event, must be made compatible with CRCIS computer systems. Additionally, as previously indicated, the completeness of the data at external source may be less than as required by CRCIS. CRCIS may have to undertake establishing linkages with the primary sources themselves.

In our view, the data source identification and data collection stages in the development of CRCIS will require, at least, a 3-year period in order to respond to the information requirements set out in this study. This is not to say, however, that the Colleges and Union will have to wait that length of time before CRCIS can supply them with information they may require and request. In the initial years of the ERCIS, for example, information was made available to the teachers and school boards on an incremental basis. We envision the same process for the Colleges and Union. We also note that the CRCIS staff will require a period of time to gain expertise in the collection, coding and manipulation of programs in response to the parties' demands.

Recommendation No. 3

That, in the third year of operation, the CRC determine, in light of recommendations from the CRCIS Advisory Committee (see Section V [of the report]), the annual level of funding for the CRCIS, following its 3-year start up period.

We do not think it unreasonable to assume that the start-up period will entail expenditures that are not on-going (for example, the purchase of equipment), and need not be budgeted for on an on-going basis. Moreover, the extent to which the CRCIS is used, by both its primary users (the Colleges and the Union) and external agencies (e.g., OCUFA, MCU) which supply information to CRCIS, or users who may have an interest in ERCIS data (e.g., Ministry of Labour), will significantly determine the level of resources (physical, financial, human) that is to be maintained by CRCIS, in order to meet the demands for its service. As well, since the CRCIS Advisory Committee will, largely, be responsible for determining the scope and content of the CRCIS work, the

Committee's recommendations will be critical in respect of the on-going demands made on the service.

Recommendation No. 4

That the CRCIS be maintained in the same physical location as the ERCIS and that the ERCIS Director also be the CRCIS Director.

The ERC and CRC chairperson, commissioners, chief executive officer, and, field services personnel are the same individuals. (The only area where dual functions, de facto, *are not carried out, is in regard to the current ERCIS personnel who, for reasons already stated, primarily service the elementary and secondary education levels in the public education sector.) Thus, it is logical and reasonable to maintain the CRCIS in the same location as the rest of the CRC and ERC, and this arrangement fits in with existing organizational roles and structure. We do note, however, that in combining these two directorships, the duties and responsibilities of the CRCIS/ERCIS director will be expanded, given the current level of service now provided to the college community. As well, this recommendation will allow for easier transfer of ERCIS expertise (gathered incrementally over the past fifteen years) to CRCIS.*

Section V - Role Of The CRCIS Advisory Committee

Recommendation No. 1

That a CRCIS Advisory Committee be struck, by the CRC, within 30 days following the issuance of this study.

The CRCIS Advisory Committee will play a central and critical role in the establishment of the CRCIS. As previously stated, there is, currently, virtually no level of information service provided to the college community by the CRC. In part, this state of affairs is attributable to the lack of demand and resources for such service by the Colleges and Union. Whichever is the consequence of the other is immaterial to our purposes. However, if the service is to be viable, it must be driven by the demands of its principal users, the Colleges and the Union, since the effectiveness of any information service is dependent upon the needs of its users. The CRCIS does not have an independent information agenda. That agenda is the responsibility of the Advisory Committee, and should include recommendations on other indicators to be considered in negotiations over wages and benefits that are not addressed in this study. In that respect, the indicators which the Task Force has identified in this study as being germane to the negotiating of wages and benefits, can be viewed as basic components of the databases to be further developed and maintained by the CRCIS. Thus, the type of information to be collected, formats for

coding the information received, the types of analysis to be performed on the data, and its dissemination, are within the decision-making of the Advisory Committee. Moreover, since the CRCIS will need the input from the Advisory Committee in order to proceed with these activities, the Committee must be struck as soon as possible following the issuance of this study.

Finally, the Advisory Committee is to establish its own procedures and meeting schedules. In regard to this latter task, we recommend that during the first 3 years, the Committee meet monthly in the first year, and, at least 6 times per year in each of the following two, *or at the call of the CRC chair.*

Recommendation No. 2

***That the membership of the CRCIS Advisory Committee be composed of the CRCIS Director, two (2) Colleges' representatives, and, two (2) Union academic unit representatives,* including representatives from each party who are members of this Task Force study. One member from each party is to be appointed by that party to serve as co-chair for a two-year period.**

Recommendation No. 3

That the CRCIS Advisory Committee members be appointed for a minimum two-year period, and that at least one representative from each party be appointed, initially, for the three-year duration of the CRCIS start-up period.

It is essential that continuity be maintained in order that the intent and spirit behind the establishment and work of this Task Force be carried forward to the CRCIS Advisory Committee. By staggering the initial periods of appointment, and, by limiting the co-chairmanship to a two-year period, we believe that such procedures can help to create the necessary continuity of the Advisory Committee membership.

Recommendation No. 4

That CRCIS Advisory Committee be charged with the responsibility of ensuring that each college and union undertakes to appoint, by September 20th each year, one (1) member of the local college administration and one (1) member of the local college academic bargaining unit who are to be responsible for ensuring the collection and transmittal of college level-data to the CRCIS is carried out in a consistent and regular basis.

An individual instructor's placement on the collective agreement salary grid, years of experience, recognized qualifications, and workload, are just some of the information essential to informed debate on academic wages and benefits at the collective bargaining table. Since these data are

generated at the local-college level (each college being the employer, pursuant to s. 1(h) of the Colleges Collective Bargaining Act), *it is imperative that a communication link, along which data flow in a timely fashion, from the colleges to the CRCIS, be established and maintained. We leave it to the Advisory Committee, with the assistance of the CRC, to establish the procedures to link the colleges to the CRCIS.*

Recommendation No. 5

That the Advisory Committee assess, annually, during the 3-year start-up period, its objectives in terms of their accomplishments and the incremental development of the CRCIS databases and analysis systems.

The Task Force members realize that an information system cannot be established, full-blown, overnight. Rather, an incremental approach must be taken to the collection of information, design of programs for data analysis purposes, and the analysis, itself, of the data. Thus, the establishment of reasonable and feasible objectives during the start-up period is critical to the success of the CRCIS.

Recommendation No. 6

That the CRCIS Advisory Committee members, together with CRCIS staff, work initially towards:

1. *A uniform format for collecting data from each of the colleges relative to individual bargaining academic unit members:*

   (a) *employing college;*

   (b) *an employee identification number for CRCIS purposes (the identity of the individual to remain confidential to the college);*

   (c) *starting salary;*

   (d) *years of experience recognized for salary grid placement purposes at time of hire;*

   (e) *qualifications recognized for salary grid placement purposes at time of hire;*

   (f) *qualifications gained while employed in the college for salary grid placement purposes;*

   (g) *qualifications gained while employed in the colleges not used for salary purposes;*

   (h) *initial assignment.*

2. *A uniform format for collecting data, on a semester or annual basis, relative to workload, pursuant to Article 4 - Workload of the parties' collective agreement.*

3. *A uniform format for collecting data relative to each individual members' (of the CAAT academic bargaining unit) insured benefits' coverage, pursuant to: Article 21-Short Term Disability Plan, and, Long-Term Disability Plan, and, Article 22-OHIP, Extended Health Plan, Dental Plan and Life Insurance.*

There is no doubt that some, or all, of the above information is currently collected by the Union and the MCU Staff Relations Branch. However, at the very least, its state of retrieval will have to be made compatible with the CRCIS systems.

Recommendation No. 7

***That the CRCIS Advisory Committee members and CRCIS staff work towards the development of linkages with agencies/entities external to the Colleges and Union as these are identified in this* study, and, as identified by the Advisory Committee, for purposes of obtaining and disseminating information from them, relevant to the informational requirements of the parties and these agencies or entities.**

In some respects, these tasks are both the easiest and most difficult undertakings for the CRCIS. For example, in those instances whereby the external agency (e.g. Statscan) can readily provide information for a fee, simple payment (as authorized by the CRCIS Advisory Committee) for the information, either on an ad-hoc or annual-fee basis, establishes the necessary inter-organizational information linkage. On the other hand, the establishment of an information link with, for example, the universities in Ontario, in order to obtain collective agreements between them and their faculty associations, is not so simply accomplished. The information may not be readily obtainable, whether on a fee basis or otherwise, and, given that the universities are not in the business of disseminating information relevant to their internal labour-relations matters, they may be reluctant to share that information, either because they view it as confidential, or, because they do not perceive the utility, for themselves, in providing such information to the CRCIS. That is, the question of voluntarism on the part of agencies or entities external to the college community, in regard to information sharing is an uncertainty (viz., the experiences of the Task Force members' attempts to gather such information from certain external agencies).

As well, the state of the databases kept by such groups as, for example, OCUFA, may not be compatible with CRCIS informational requirements. Thus, while certain agencies, such as Hay Management Consultants, can

be used (where cost effectiveness dictates such usage) to provide information concerning relevant comparison groups (e.g. "A Comparative Study of Compensation of Faculty and Service Administrative Personnel in Ontario Universities", February, 1988), the manner in which the research methodology and reporting for such studies may not be available . . .

All of the above is intended to make clear that obtaining data external to the college community is not a simple, short-time task that requires little effort or resources. Yet, such data, given the lack of similarly-employed referent groups within the province, is significant for developing objective data for comparison purposes. Therefore, developing both strategies and linkages with the external environment will be central to the Advisory Committee efforts during the start-up period. This study, identifying certain, relevant, external agencies, serves mainly as a guide for future directions on the part of the CRCIS Advisory Committee and CRCIS staff.

Statement of Expenditures
April 1, 1990 - March 31, 1991

Categories	Budget Allocation	Actual Expenditures
Transportation & communications	$ 8 600	$ 12 485
Services	$ 39 000	$ 22 992
Supplies & equipment	$ 10 000	$ 9 882
Total Budget Allocation	**$ 57 600**	
Total Actual Expenditures		**$ 45 359**

Chair: Paula Knopf, B.A. (University of Toronto), LL.B. (York University)

Ms. Knopf joined the Commission as chair in February 1991. She graduated with a B.A. from the University of Toronto, in 1972 and with an LL.B. from Osgoode Hall Law School in 1975. Upon being called to the Ontario Bar in 1977, she practised law in Toronto with emphasis in the area of litigation and labour relations. A former member of the faculty of Osgoode Hall Law School, Ms. Knopf is an experienced fact finder, mediator, and arbitrator.

Vice-Chair: David Allan Hayes, B.A. (McMaster University), M.Ed. (University of Toronto)

Mr. Hayes is a retired educator. He has served as a supervisory officer with the Lincoln County Board of Education, both as a superintendent of curriculum and as an area superintendent. As a supervisory officer, Mr. Hayes developed and implemented a complete evaluation system for all teaching and supervisory personnel, and special programs to assist general level students and reduce the dropout rate among secondary school students. Mr. Hayes also developed a complete curriculum design, implementation, and review program for all Kindergarten to Grade 13 programs and a co-operative professional development program for teachers.

Commissioner: Trèva Legault Cousineau, B.Sc. (H.Ed.) (University of Ottawa), R.P.Dt.

Mrs. Cousineau was co-ordinator of French-Language Services for the Ministry of Community and Social Services, North Central Area, and a member of the board of governors of Cambrian College, Sudbury. She has served as chair and vice-chair of the Timmins District Roman Catholic School Board, member of the Commission on the Financing of Elementary and Secondary Education in Ontario, chair of the Ontario School Trustees' Council, and member of the Ministry of Education's Committee on Special Education and Advisory Council on the Role of the Trustee.

Commissioner: William John McNeil, B. Com. (University of Toronto)

Mr. McNeil has had fifteen years' service as a teacher and vice-principal in North York and fifteen years' service as a field officer with the Ontario Secondary School Teachers' Federation. His past positions include president of District 13 of the OSSTF, governor of the Ontario Teachers' Federation, advisory board member of the provincial executive of the OSSTF, and former trustee of the Ontario Teachers' Insurance Plan. He is currently enrolled in the master's degree program in industrial relations at the University of Toronto.

Commissioner: John Irwin Zeiler, B.A. (University of Toronto), LL.B. (University of Toronto)

Mr. Zeiler is a partner in the law firm of Leve and Zeiler, whose practice includes real estate and corporate, commercial, and estate work. He was the solicitor for the developer who registered the first condominium in Ontario. Mr. Zeiler has taught for the Ontario Real Estate Association, the Appraisal Institute of Canada, and more recently in the Department of Administrative Studies at York University, where he lectures in real property law and negotiations.